

## **REMARKS**

Applicant respectfully requests reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks.

Claims 1, 3, 6, 8-18, 22, and 23 are pending in the application, with claims 1, 22, and 23 being independent. Claims 1, 22, and 23 are amended herein. Support for the claim amendments and additions can be found in the original disclosure. No new matter has been added.

### **§ 103 REJECTIONS**

**Claims 1, 3, 6, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,195,362 (Rolando) in view of U.S. Patent No. 5,210,878 (Triche).** This rejection is respectfully traversed. Nevertheless, without conceding the propriety of the rejection and in the interest of expediting allowance of the application, claim 1 has been amended as proposed during the interview and is, therefore, believed to be allowable.

**Independent claim 1**, as presently presented, is directed to a protective garment, and recites, among other things, a first protective panel attached to the breast portion of the base fabric, and a second protective panel attached to the breast portion of the base fabric, a pair of sleeves attached to the base fabric for receiving the person's arms, and a third protective panel attached to an inner forearm surface of each sleeve; wherein the protective panels are comprised of aramid fiber.

Rolando is directed to an insulated ski jacket with impact resistant plates positioned over the shoulders and the sleeves. Rolando teaches a body forming portion

32 which includes “an intermediate layer 11 of highly insulating foam material” (col. 2, lines 60-68) for thermal protection. Further, Rolando contemplates using impact resistant plates “located in the sleeve forming portion” and “substantially at the level of the scapular muscle” of a garment (col. 6, lines 1-6). However, Rolando fails to disclose or suggest “first and second protective panels [that] are adapted to protect the upper body portion of the person during descent from a vertical surface” and “are comprised of aramid fiber,” as presently recited in claim 1. Additionally, as acknowledged on page 3 of the Office Action, Rolando does not show a third protective panel on each of the pair of sleeves being attached to an inner forearm surface thereof, as presently recited in claim 1.

Triche was cited for its alleged teaching of a “garment having a pair of sleeves having a protective panel being attached to an inner forearm portion” (Office Action, page 3). The pad described in Triche “provides insulating properties to further protect the arm of the wearer of the sleeve” (e.g., during welding) (col. 2, lines 62-65). However, Triche fails to remedy the deficiencies in Rolando noted above with respect to claim 1. For example, Triche fails to disclose or suggest “first and second protective panels [that] are adapted to protect the upper body portion of the person during descent from a vertical surface” and “are comprised of aramid fiber,” as presently recited in claim 1. In addition, Triche fails to teach or suggest “a third protective panel attached to an inner forearm surface of each sleeve... comprised of aramid fiber,” as also presently recited in claim 1.

Thus, Rolando and Triche, whether taken alone or in combination (assuming for the sake of argument that they can be combined), fail to disclose or suggest the features

of claim 1. Accordingly, as discussed during the interview, independent claim 1 is allowable.

**Dependent claims 3, 6, and 10** depend from independent claim 1 and are allowable by virtue of this dependency, as well as for additional features that they recite. Individual consideration of each dependent claim is requested.

**Claims 11-18, 22, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rolando in view of Triche, and further in view of U.S. Patent No. 6,154,880 (Bachner, Jr.).** This rejection is respectfully traversed. Nevertheless, without conceding the propriety of the rejection and in the interest of expediting allowance of the application, claims 22 and 23 have been amended as proposed during the interview and are, therefore, believed to be allowable.

**Dependent claims 11-18** depend from independent claim 1 and, therefore, include all of the features of that claim.

As discussed above, Rolando and Triche fail to disclose or suggest the features of claim 1.

Bachner, Jr. discloses a garment (such as a bullet-proof vest) having ballistic panels to prevent the penetration of a ballistic missile through the garment. Bachner, Jr. discloses a garment that can be worn or concealed under normal clothing that provides protection from puncture of pointed and sharp-edged objects.

However, Bachner, Jr. fails to remedy the deficiencies in Rolando and Triche with respect to independent claim 1. For example, Bachner, Jr. fails to disclose or suggest “first and second protective panels [that] are adapted to protect the upper body portion of the person during descent from a vertical surface,” “a third protective panel attached to an inner forearm surface of each sleeve,” “wherein the protective panels are comprised of aramid fiber,” as presently recited in claim 1. Additionally, Bachner, Jr. fails to disclose or suggest the use of Zylon fiber, as recited in dependent claim 12.

Thus, claims 11-18 are allowable over Rolando in view of Triche, and further in view of Bachner, Jr. (assuming, for the sake of argument, that they can even be combined) by virtue of their dependence from claim 1, as well as for the additional features that each recites.

**Independent claim 22**, as presently presented, is directed to a protective garment, and recites, among other things, a collar portion formed around the opening for the head; a pair of sleeves attached to the base fabric for receiving the person's arms; a first protective panel attached to the breast portion of the base fabric; a second protective panel attached to the breast portion of the base fabric, wherein each of the first and second protective panels comprises a substantially rectangular panel, wherein the first protective panel is positioned on a right side of the breast portion and the second protective panel is positioned on a left side of the breast portion, and wherein the first and second protective panels are positioned in a non-overlapping configuration; a third protective panel attached to an inner forearm surface of each sleeve, wherein the protective panels are comprised of aramid fiber; at least one of pockets and loops

attached to the front portion of the base fabric; and attachable and detachable structural members adapted to secure the bottom of the garment to a safety belt.

Claim 22 is allowable for reasons similar to those discussed above with respect to claim 1. In addition, Rolando, Triche, and Bachner Jr., fail to disclose or suggest that “each of the first and second protective panels comprises a substantially rectangular panel,” “the first protective panel is positioned on a right side of the breast portion and the second protective panel is positioned on a left side of the breast portion,” “the first and second protective panels are positioned in a non-overlapping configuration,” “a third protective panel attached to an inner forearm surface of each sleeve,” “at least one of pockets and loops attached to the front portion of the base fabric,” and “attachable and detachable structural members adapted to secure the bottom of the garment to a safety belt,” all of which are recited in independent claim 22.

Thus, Rolando, Triche, and Bachner Jr., whether taken alone or in combination (assuming for the sake of argument that they can be combined), fail to disclose or suggest the features presently recited in independent claim 22. Accordingly, as discussed during the interview, independent claim 22 is allowable.

**Independent claim 23** as presently presented, is directed to a protective garment suitable to be worn on the upper body portion of a person, and recites, among other things, a base fabric having a front portion and a rear portion, formed with openings for arms and head of the person, and having a breast portion on the front portion; at least one of pockets and loops attached to the front portion of the base fabric; a first protective panel positioned on a right side of the breast portion and a second protective panel

positioned on a left side of the breast portion, wherein the first and second protective panels are positioned in a non-overlapping configuration, wherein the first and second protective panels are adapted to protect the upper body portion of the person during descent from a vertical surface, wherein each of the first and second protective panels comprises a substantially rectangular panel, wherein the first protective panel is positioned on a right side of the breast portion and the second protective panel is positioned on a left side of the breast portion, and wherein the protective panels comprise aramid fiber.

Claim 23 is allowable for reasons similar to those discussed above with respect to claim 1. In addition, Rolando, Triche, and Bachner Jr. fail to disclose or suggest other features presently recited in independent claim 23, including “at least one of pockets and loops attached to the front portion of the base fabric,” “a first protective panel positioned on a right side of the breast portion and a second protective panel positioned on a left side of the breast portion,” “the first and second protective panels are positioned in a non-overlapping configuration,” “each of the first and second protective panels comprises a substantially rectangular panel,” and “the first protective panel is positioned on a right side of the breast portion and the second protective panel is positioned on a left side of the breast portion,” all of which are recited in independent claim 23.

Rolando, Triche, and Bachner Jr., whether taken alone or in combination (assuming for the sake of argument that they can be combined), fail to disclose or suggest the features presently recited in independent claim 23. Accordingly, as discussed during the interview, independent claim 23 is allowable.

**Dependent claims 8 and 9 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Rolando in view of Triche, and further in view of U.S. Patent No. 5,247,707 (Parker et al.).** This rejection is respectfully traversed.

Dependent claims 8 and 9 depend from independent claim 1 and, therefore, include all of the features of that claim.

As discussed above, Rolando and Triche, whether taken alone or in combination, assuming for the sake of argument that they can be combined, fail to disclose or suggest the features of claim 1.

Parker et al. fails to remedy the deficiencies in Rolando and Triche with respect to independent claim 1. For example, Parker et al. fails to disclose or suggest “first and second protective panels [that] are adapted to protect the upper body portion of the person during descent from a vertical surface,” “a third protective panel attached to an inner forearm surface of each sleeve,” “wherein the protective panels are comprised of aramid fiber,” as presently recited in claim 1

Further, Parker et al. fails to disclose or suggest the additional features of claims 8 and 9. Parker et al. is directed to a utility vest with an integral backpack attached to the back. Parker et al. discloses straps running through the shoulder areas of the garment, terminating in loops. The straps and loops disclosed in Parker et al. are fixed to the garment. Claims 8 and 9 recite “***attachable and detachable*** structural members, selected from the group consisting of loops, buttons, snaps, hooks, and loop fasteners.” Parker does not disclose or suggest attachable and detachable structural members.

Thus, claims 8 and 9 are allowable over Rolando in view of Triche, and further in view of Parker et al. (assuming, for the sake of argument, that they can even be combined) by virtue of their dependence from claim 1, as well as for the additional features that each recites.



### **CONCLUSION**

For at least the foregoing reasons, claims 1, 3, 6, 8-18, 22, and 23 are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance.

If any issue remains unresolved that would prevent allowance of this case, **the Examiner is requested to contact the undersigned attorney to resolve the issue.**

Respectfully submitted,

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By: /David A. Divine/  
David A. Divine  
Lee & Hayes, pllc  
Reg. No. 51,275  
(509) 324-9256 ext. 233